DOCUMENT RESUME

ED 258 251 CS 209 050

AUTHOR Jensen, Dwight Wm.
TITLE Toward a Normative Theory of Freedom of the Press.
PUB DATE Aug 85
NOTE 16p.; Paper presented at the Annual Meeting of the Association for Education in Journalism and Mass Communication (68th, Memphis, TN, August 3-6, 1985).
PUB TYPE Viewpoints (120) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Capitalism; Democracy; Democratic Values; Developing Nations; Economic Factors; *Freedom of Speech; *Influences; *Journalism; Marxism; Political Issues; Social Problems; *Theories
IDENTIFIERS Locke (John); Marx (Karl); *Theory Development

ABSTRACT

In considering the possibility of a normative theory of freedom of the press, this paper examines arguments about such freedom in the Third World and elsewhere. Some of the arguments discussed in the paper are derived from the theories of John Locke and Karl Marx; others are drawn from the concepts of divine rights, elitism, liberal democracy, and capitalism. The paper considers these arguments against a background of cultural, religious, social, and human issues. (HOD)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED258251

Communications Theory and Methodology Division
AEJMC
1985

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

X This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
Dwight Wm. Jensen

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

TOWARD A NORMATIVE THEORY OF FREEDOM OF THE PRESS

by Dwight Wm. Jensen
Syracuse University

Because the paradigms that govern research and debate about freedom of the press in the United States are heavily influenced by the religious and intellectual history of the concept, and even more so by its British and American political and judicial history, those paradigms fail to discover all the pertinent aspects of freedom of the press. In Third World countries, for example, the press has a different history. Yet in the Third World as in the West, and in the Communist nations as well, the very history of the press suggests the powerful desire of the human mind to express itself, and thus suggests that a theory of freedom of the press need not be confined to Western or Christian or Protestant societies.

Even when a government inclines toward control of the press and has the means to control it, there appears to be a perception that the control must be camouflaged or justified lest the population resist. That bespeaks a recognition of an innate human desire for freedom of expression or discussion.

In considering the possibility of a normative theory of freedom of the press, we must examine the arguments about the freedom, in the Third World and elsewhere.

Third World leaders tend to see freedom of the press as opposing developmental policies, and development as a primary need.[1] Emphasis on the stability of government and the structure of society tends to diminish freedom of the press.[2] Third World governments often see themselves as fragile, dealing with illiterate people and with no established institutions, and believe -- or at least argue -- that they could not survive a free-wheeling examination by a free press in the American mold, and that the

CS 209 050

survival of the government is vital to the well-being of the nation.[3]

There is irony here, for empirically it can be shown that freedom of the press correlates with a high level of political stability and with a high level of personal and national income.[4] Moreover, freedom of the press is seen as the sine qua non of democracy, so to speak of democracy while restricting freedom of the press is paradoxical, but some Third World governments do it.[5]

John Rawls, a leading modern theorist of justice, has words of caution for both sides in that argument. As if speaking to the Third World leaders he says, "Justice denies that the loss of freedom for some is made right by a greater good shared by others."[6] To those who argue the correlation between freedom and well-being he says we must not interpret the right as maximizing the good. "Of course, it is not impossible that the most good would be produced, but it is a coincidence."[7]

Moreover, as Merrill points out,[8] studies made so far reveal only correlation, not cause and effect, between the right and the good vis-a-vis freedom of the press. Does the press bring democracy and prosperity, or do democracy and prosperity bring a free press, or are all three the products of other factors? It is also a curious fact that India has a low per-capita income and a low level of literacy, and yet a relatively high degree of freedom of the press.[9] In regard to that, Hardgrave suggests that there is a cause and effect relationship.

> The emergence of a national system of communications -- the reach of newspapers, radio, cinema, and (more limited) television -- has nurtured the growth of national consciousness, the sense of being Indian, and it penetrates to all but the most isolated villages, linking the Center with the periphery, the rulers with the ruled, in (at least ideally) a two-way flow of information.[10]

Freedom of the press as an individual right of free expression and freedom of the press as an institutional right to control the content of the press are not necessarily compatible concepts. The institution of the press can effectively inhibit individual expression by refusing to publish it. Jacques Ellul, in fact, says the stifling of individual expression by corporate power as well as by government power is a hallmark of modern industrial society.[11]

It is, of course, possible to argue that freedom of the press has no theoretical foundation -- that it is strictly a

a political issue. David Truman, for example, contends that civil liberties themselves are group interests operating in the political marketplace.[12] Roscoe Pound attacks natural rights theory, saying rights can be granted or denied by the legislating authority, and that there is no higher authority.[13] It may well be that the meaning of "freedom of the press" is essentially contestable in that it has no essential elements and cannot be conclusively defined; it may, indeed, be that the concept of civil rights itself is essentially contestable.[14] But if we conclude that freedom of the press does not exist, must we also conclude that there is no such thing as human autonomy? If no human exerts control over his own expression, then all control must be external to humanity or, perhaps, genetically controlled. If some humans are able to control their own expression, we must either credit those humans with possessing some non-human or superhuman characteristic or else we must deal with the normative concept of equality -- if some, why not all?

Autonomy is basic to rights. Rights are areas in which individuals have authority over their lives. A right sets out an area of autonomy.

> . . . liberty . . . is the power a man has to do or forbear doing any particular action according . . . as he himself wills it . . .[15]

Rights thus differ from privileges, powers, and duties, and adhere to individuals. Normatively speaking, there are no public rights nor governmental rights, for neither the public nor the government is an individual. The term "public right" might be used loosely to refer to a right that belongs to each member of the public (as in the Fourth Amendment: "The people shall be secure . . . "), but precision requires the use of the term in reference to individuals only.

Even though we explicitly seek a theory of freedom of the press that does not rely on Christianity or on Anglo-American culture and political history, it is not amiss to borrow from those sources. John Locke opened Book III of his Essay Concerning Human Understanding with these words:

> God having designed Man for a sociable Creature, made him not only with an inclination, and under a necessity to have fellowship with those of his own kind; but furnished him also with Language, which was to be the great Instrument, and common Tye of Society.

One can, if one chooses, disregard God as the author of human sociability; it is more difficult to argue that the social

instinct is not innate or that it is undesirable. If we accept the social instinct as a given, or if we prove it logically or scientifically, we arrive at the point Locke has reached: human beings must deal with one another, and to deal fully and usefully with one another they must use language.

Locke goes on to argue[16] that language is conventional, not natural -- that is, certain sounds convey certain meanings not because those meanings are natural to those sounds but because humans have agreed to use those sounds to convey those meanings. There is also in the literature the opposing point of view -- that language is natural.[17]

"Natural" in Locke's day meant that it was ordained by God. Locke would incline toward the "conventional" view because he opposed the theory of the divine right of kings -- or he would oppose the divine right theory because he inclined toward the conventional view. Those who held divine right theory to be correct argued that the supremacy of the king was ordained by God. From the base that language is natural, one could argue that speech and publication should be free <u>because</u> it is natural, **or** one could argue that it is subject to control provided the control emanates from nature (or from nature's God, if one accepts the idea of God). Thus, Hobbes:

> The first author of Speech was God himself . . . . Special uses of Speech are these; . . . Thirdly, to make known to others our wills, and purposes, that we may have the mutuall help of one another.[18]

From which one might conclude that Hobbes, also recognizing the social nature of humanity, would also accord humanity freedom of speech. But,

> . . . it is annexed to the Soveraignty, to be Judge of what Opinions and Doctrines are averse, and what conducing to Peace; and consequently, on what occasions, how farre, and what, men are to be trusted withall, in speaking to Multitudes of people; and who shall examine the Doctrines of all bookes before they be published.[19]

Elsewhere,[20] Hobbes argues that the Sovereign should not use his power to prevent Truth or Justice, but there is no rein on the Sovereign. Hobbes merely assumes that a Sovereign will know better than to promulgate unjust laws.

Similar arguments are a staple of elitist theories of government -- including, it can be said, modern hypotheses that in the nuclear age the war-making power must be confined to an

elite group because of the exigencies of national security, the demands of speed, and the complexity of weapons systems. It might be that one can begin with the premises of natural speech and elitist government and make a theoretical case for freedom of speech and freedom of publication, but the obstacles are high.

Were one to do so, one might begin in the century before Locke and Hobbes with the (still Christian, still English) point of view that

> of man's natural capacities it is reason which is chief and best. Reason is conceived to be the natural basis not only for knowledge or the pursuit of truth, but also for the light or law of nature or for conscience; for the natural ability, insofar as it existed, to choose between right and wrong.[21]

So the argument is not hopeless, and it will recur from time to time in this paper.

A number of governments in today's world frankly adopt the elitist point of view, saying in one way or another that, in one form or another, a select group must rule. A number of other governments follow or claim to follow liberal democratic principles or Marxist principles. Those three approaches account for all or substantially all of the political systems in the world today.

Both Marxism and liberal democracy see the state as the means of helping all. Marxists tend to define the "all" as meaning society; liberal democrats tend to define it as meaning individuals. In either case, both Marxism and liberal democracy offer foundations for a normative theory of free speech and freedom of publication.

If, as in liberal democracy, the welfare of the individual is the goal, the individual must be allowed to speak. It is fundamental to liberal democracy that human beings are equal to one another.

> It may be said, in some instances, (state bills of rights) do no more than state the perfect equality of mankind. This, to be sure, is an absolute truth . . . .[22]

To oppose divine-right theory, democratic political theory must be conventional.[23] Any form of elitism, to be theoretically defensible, must include some version of divine-right theory, some idea that the authority of the elite emanates from nature and therefore from whoever or whatever created nature. To oppose

elitism is to embrace convention; that is, to concede that free and equal individuals are obliged only if they freely take obligation on themselves, and that these obligations must be arrived at in some form of convention.[24] There must therefore be consent. Consent implies discussion.

Another term for the conventional approach is the "social contract" approach. It is integral to Locke's theory, but one need not rely only on theories based as firmly as was Locke's on the premise of God. John Rawls[25] and Robert Nozick[26] have elaborated complex theories of the social contract that do not rely on the intervention of the divine. They and others[27] make the point that the social contract requires, at least in the initial position when the convention is conducted and the contract written, equality. Equality means, among other things, an equal opportunity to speak. Equality lies in personal circumstances, not in the degree to which visions of the ideal would be realized. To prevent others from speaking could be justified under the concept of equality only as a means of realizing a vision of the ideal -- that is, it equates with equality only if we make some such argument as this: "You have always wanted to be loved; that was your ideal. You are now loved. You have achieved your ideal. I am your equal. Therefore, I, too, am entitled to achieve my ideal. My ideal is that persons who do not agree with me not be allowed to speak." Inasmuch as equality lies in personal circumstances, equality requires that all must be silenced or all must be allowed to speak. To silence all flies in the face of the gregarious nature of humanity that both Locke and Hobbes take as given, and it makes convention impossible.

But: Cannot the convention agree that, following the initial free-for-all discussion, the social contract can decree that the majority is allowed to silence the minority? Such a point of view contains an internal contradiction. To silence the minority locks the system into the viewpoints of an obsolescent majority and, in effect, prevents the formation of a new majority. When opinions or situations change, the silencing makes it impossible to form the majority that is authorized to silence the minority. A minority comes to power, silencing the majority. We destroy convention by destroying the discussion consent requires; there can be no discussion without an allowance for dissent. We lock into elitism and lose democracy.

Equality, moreover, implies control of one's self -- to yield to the control of another is to subordinate oneself. Not to speak when one wishes to is to give up this autonomy, thereby destroying equality, thereby destroying convention and, with it, democracy.

This argument both supports and refutes the common arguments[28] that American democracy is based upon "a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wode open."[29] It supports the argument because it allows the autonomy required for such debate. It refutes it because the argument focuses narrowly on political speech; autonomy requires the freedom to stretch across the entire spectrum of speech, which includes speech to entertain and to educate and to explore ideas.[30]

The very concept of liberal democracy embodies the concept of progress, of the perfectability of humankind. Even if one (or one's government) does not accept the perfectability of the individual as a proper rationale for freedom of the press, governments must (unless they are to be frankly totalitarian and elitist and serve only the governors) pay some attention to the improvement of society. Thomas I. Emerson has noted the importance of free expression in any scheme of individual or societal improvement. Freedom of expression, he tells us, has four purposes:

1. Self-fulfillment. "To cut off (an individual's) search for truth, or his expression of it, is to elevate society and the state to a despotic command over him."

2. To discover truth and advance knowledge. "(O)pen discussion (is) essential . . . for rational social judgment."

3. To allow all to participate in government.

4. To achieve a more acceptable, and hence a more stable, community. "(S)uppression conceals the real problems confronting a society, diverting public attention from the critical issues." Freedom of expression, he says, allows conflict without destruction and helps society progress.

It is the last argument, together with the second, that could be argued to support freedom of expression in even a non-democratic state, and hence could be built into a normative theory of freedom of expression. All four arguments, of course, apply if one is defending liberal democracy. "Our society is based upon the faith that (these premises) hold true."[31]

In this regard, Lukes contributes to the fundamental argument for freedom of the press with his radical, three-dimensional view of power. The system, he says, can work against a person's real interests. There is a conflict between subjective and real interests. That conflict plays a role not only in decision-making but also in agenda-setting. There are issues and potential

issues; there is observable conflict and latent conflict. Free discussion is necessary if real interests are to be articulated and subjective interests revealed; if observable conflict is to be subjected to rational resolution and latent conflict is to be brought into the open (the most insidious use of power, we are told, is to keep latent conflict from surfaceing); if we are to appraise issues and identify potential issues; if control of the political agenda is to be made "free" and "equal." If, in short, power is not to be allowed to reign on its own terms -- if it is to be subjected to some form of control and assessment. Lukes argues that it is a misuse of power to exclude new ideas from a hearing.[32]

Galtung, approaching power from the direction of Marxism, argues that monopolization of information is itself a form of structural violence -- he criticizes the West on that score.

Liberalism and capitalism require freedom of expression to advance the ideals of participation and social control. Marxism adopts as its ideal the concept of social control. It founds that concept partly upon the idea of equality. To quote from Gurley's summary of Marx's work, Marx posits "a society in which the full and free development of every individual forms the ruling principle." It must be a classless society, providing for "the complete emancipation of all human senses and qualities." Society would regulate production -- "socialized man . . . rationally regulating their interchange with Nature . . ." Rationality presumes information. Marx would overcome alienation; that is, "overthrow all relationships in which man is humbled, enslaved, abandoned, despised." Hence, equality. Engels underlines that: "Man . . . becomes his own master -- free."[33]

Capitalism and freedom of expression were born, in their modern manifestations, in sixteenth-century England, twin offspring of the common parent individualism.[34] Capitalism presupposes self-interest, rationality, and information. Although the emphasis is on receiving information and thereby making rational decisions, the flow of information itself is important. The information flowing must be uncensored if information is to be perfect and rationality unfettered. Censorship dilutes capitalism. Nozick would rule it out because of bargaining rules.[35]

But what of the economic aspects of Marxism, apart from the political aspects reviewed above? It is, in the first place, impossible to separate the economic from the political aspects and remain faithful to the arguments of Marx and his followers. They see an inseparable relationship among exchange, politics, and class. When Marxism leaves the printed page and enters the real world, the battle is over how the state will modify the

status quo, who will be the dominant group. That's a political issue. In politics, nature gives the upper hand to economic power, with occasional crumbs to charisma. If there is a way to attack power -- economic, charismatic, or otherwise -- it would seem to be through information. When the press itself is controlled by the powerful, the outsiders stand with no opportunity to challenge the status quo. Marxism as an economic theory requiring an equitable distribution of goods is untenable unless all parties have the opportunity to express desires and provide information, and to receive and consider information. Marxist economic theory, as well as Marxist political theory, requires, if it is to function as intended, freedom of the press -- not mere freedom to speak out, but freedom to publish those expressions to the society at large.

In sum, both liberal democracy and Marx's classless society require the majority to shrug off the power of wealth or to curtail and control it, but not to yield to it. Either ignoring it or controlling it requires the right to speak and to publish.

We return to the third general approach to government, elitism -- the idea held by some that equality is not a desirable goal and that, therefore, egalistic arguments have no claim. Even here it is difficult to make an argument against freedom of expression.

If the elite are to rule, the elite themselves must be allowed free discussion. Moreover, if the elite are to rule effectively, they must be genuinely "elite" -- that is, of sufficiently high merit to command a following and to be able to lead. But if merit is to be a factor in selecting the elite, there must be some way to judge merit, and some way to display it. Otherwise, the future of a society is left to chance, no rationalism is involved, and no theories are possible. A question deserving study is whether it is possible to operate a meritocracy in which only the winners are allowed freedom of expression.

North warns us[36] that economic privilege reduces the efficiency and growth of a state. To avoid sabotage and free riders, he says, every large organization must have some coherent set of beliefs -- people within the organization must see the existing order as fair, just, and natural. Such a shared ideology cannot exist unless the members have similar experience. This presents a two-pronged argument in favor of freedom of the press. First, suppression of the freedom is itself an economic privilege; it denies information except to the privileged. Second, if the organization is a modern society of any substantial population and physical size, experience cannot be fully shared unless salient aspects of the experience can be published. We need not

assume that freedom of the press will bring coherence, perceptions of justice, or shared experience, but there is a strong prima facie argument that these goals are impossible in the absence of freedom of the press. The question is worth pondering normatively and investigating empirically. Galtung argues that monopolizing information is a form of structural violence;[37] if so, can such violence exist without precluding perceptions of justice? Even in the era before democracy began to challenge monarchy, it was argued that the King must hear the truth and receive good counsel. Can that ideal be realized without freedom of expression?[38]

Connolly[39] implies a powerful argument for freedom of the press. He says we cannot take wants, desires, and inclinations as given because they can be shaped by society, resulting in happy slaves, and because to do so would emphasize egoistic wants. On the other hand, if we allow an outside party to define the genuine wants, we (1) curtail freedom and (2) merely shift the decision from one imperfect being to another. The only possible approach to a solution lies in allowing influence without allowing coercion -- in trying to minimize manipulation. Freedom of expression is thus consistent with the goal of allowing individual wants to be formulated freely, and is also consistent with the process of allowing third-party allocations when those are necessary but keeping them within the bounds of freedom. It helps us deal with the problem of real interests and helps bring about maximum overt awareness of all factors involved.

Another argument for freedom of the press lies in Sorzano's point that maximizing behavior is not regarded as universal by all authors, that it is a cultural outgrowth of Western society and the Protestant religion.[40] But if maximizing behavior is culturally fixed, it can only spell disaster if it runs up against ultimate scarcity. Therefore, life itself -- both individual good and social good -- requires the opportunity to influence changes in behavior. But equality and freedom rule against coercing changes (at least until coercion becomes less damaging to freedom and equality than starvation and combat would be). Therefore, if maximizing behavior is, or is to become, destructive, we need freedom of expression to allow influence against it. If maximizing behavior poses no danger, the behavior requires rationality, rationality requires information, and information requires freedom of expression -- probably in any case, and certainly if equality is to enter the picture. Moreover, if maximizing behavior is acceptable and if it is (as Sorzano says) a product of Protestantism, it has the same cultural roots as freedom of the press; the two are not only compatible but are children of a common parent.

Collingwood[41] might give us yet another argument for freedom of expressin. He says historical inquiry reveals there are no rules or laws of nature compelling humans to think as they do; therefore, thought is free. But can we argue that thought is free if it must remain unspoken? "Strictly speaking, ideas may not depend on words, nor does the reverse hold. The answer is that they are interdependent . . . ."[42] Have we any way of knowing whether thought exists without expression? By extension, freedom of thought seems to imply freedom of expression.

If no rule of nature forbids free expression, what authority exists for its proscription by humans? Equality will forbid its extinction by any individual in any other individual. Can authority -- Friedman's in authority, or government -- justifiably curtail it? Friedman[43] says authority is legitimated power. Power is legitimated because individuals recognize entitlement. In a democracy, legitimation of in authority must derive from representation and consent. Outside democracy, what is legitimation? The submission of judgment itself might constitute, in any government, the act of legitimation -- but there can be no submission of judgment without judgment, and no judgment without free expression -- or so, I believe, it can be successfully argued. Certainly justice as perceived by Nozick or by Rawls does not encompass the power on the part of society to forbid freedom of expression.

Collingwood's appeal to social inquiry,[44] to reduce disagreement through reasoned discussion, also argues for freedom of expression. Freedom of the press helps with the vicarious (at least) immersion in alternative forms of social life and life styles that he deems important.

Lukes makes a valid argument regarding the difficulty of categorizing rational persuasion as power. So, it can be argued that freedom of expression is a counterbalance to power. Lukes tells us power need not mean individuals consciously acting.[45] Freedom of the press can "raise consciousness," causing either the acting individuals to shun power or the non-actors to be able to identify it. (But to work this way, freedom of the press must mean freedom of expression, not an institutional freedom or the "right to know," for under the latter formulations the powerful, consciously or unconsciously, can bring their "ought to be's" to the decision.)

A normative theory of freedom of the press should give due regard to the game theory finding that maximizing individual interests can lead to general failure.[46] Does freedom of expression maximize individual interests in that harmful way? The theory is open to attack if it can be unrebuttably shown

that freedom of expression means maximizing individual interests in a way that threatens general failure.

If we are to take a normative theory of freedom of the press beyond the realm of the essentially contestable, we must find essential elements in the theory. That might require a flexible theory -- flexible in the sense that perhaps its definition must, like Frohock's definition of politics,[47] be in terms of a bundle of concepts, some at the core and some toward the periphery.

Basic rights, said the Supreme Court in 1949,

> do not become petrified as of any one time, even though, as a matter of human experience, some may not too rhetorically be called eternal verities. It is of the very nature of a free society to advance in its standards of what is deemed reasonable and right. Representing as it does a living principle, due process is not confined within a permanent catalog of what may at a given time be deemed the limits or the essentials of fundamental rights.[48]

Emerson applies a similar principle to freedom of expression:

> The most challenging problems in First Amendment theory today lie in the prospect of using law affirmatively to promote more effective functioning of the system of free expression.[49]

It is not enough in the modern world to consider freedom of the press only in terms of the First Amendment, for that is an American phenomenon and the freedom is an international issue, a human issue. A deeper theory is needed. To achieve justice, one must define it -- and those who wish to define it must be allowed to speak, and to publish.

NOTES

1. L. John Martin and Anju Grover Choudhary, Comparative Mass Media Systems, New York: Longman 1983, p. 313

2. Ibid., p. 325.

3. Ibid., p. 49.

4. Ibid., p. 104. Raymond B. Nixon, "Factors Related to Freedom in National Press Systems, in International and Intercultural Communication, edited by Heinz-Dietrich Fischer and John C. Merrill, New York: Hastings House 1976, at p. 156.

5. Martin/Choudhary, pp. 47, 309. Nixon, pp. 148-151. John C. Merrill, "Freedom of the Press: Changing Concept?" in Fischer/Merrill, op. cit., pp. 187, 189.

6. John Rawls, A Theory of Justice. Cambridge: Harvard University Press 1971, p. 28.

7. Ibid., p. 30.

8. Merrill, p. 188.

9. Nixon, p. 159.

10. Robert L. Hardgrave, Jr. "The Northeast, the Punjab, and the Regionalization of Indian Politics." Asian Survey 23: 1171-1181, November 1983, p. 1173.

11. Jacques Ellul, Propaganda, New York: Random House 1973.

12. Virginia Held, The Public Interest and Individual Interests, New York: Basic Books 1970, p. 81.

13. Roscoe Pound's works include Contemporary Juristic Theory, Littleton, Colo.: F.B. Rothman 1981; and Social Control Through Law, New Haven: Yale University Press 1942.

14. John N. Gray, "On the Contestability of Social and Political Concepts," Political Theory, August 1977, pp. 331-348.

15. John Locke, Essay Concerning Human Understanding.

16. Book III, ch. ii.

17. A number of authorities for and against this point of view are cited, and extensive examples given and discussion conducted, in Hans Aarsleff, From Locke to Saussure, Minneapolis: University of Minnesota Press 1982.

18. Hobbes, Leviathan, New York: Washington Square Press edition 1969, pp. 14-15.

19. Ibid., p. 123.

20. For example, in Ch. xxx.

21. Charles H. George and Katherine George, The Protestant Mind of the English Reformation 1570-1640, Princeton, N.J.: Princeton University Press 1961, pp. 39-40.

22. James Madison. I Annals of Congress 436.

23. Carole Pateman, The Problem of Political Obligation, New York: John Wiley & Sons 1979, pp. 6-7.

24. Ibid., p. 13 and passim.

25. Rawls, op. cit.

26. Robert Nozick, Anarchy, State, and Utopia, New York: Basic Books 1974.

27. Here I rely heavily on Rawls, Nozick, Pateman, and on Ronald Dworkin, "What is Equality?" Philosophy and Public Affairs, v. 10, nos. 3 and 4 (1981).

28. Such as Sweezy v. New Hampshire, 354 U.S. 234 (1957).

29. New York Times v. Sullivan, 376 U.S. 254 (1964).

30. Hobbes, op. cit., pp. 13-14. Letter from the Continental Congress to the Inhabitants of Quebec, Oct. 26, 1774. Journal of the Continental Congress, 1904 edition, Vol. I, pp. 104, 108.

31. Thomas Emerson, The System of Freedom of Expression, New York: Random House 1970, pp. 6-8.

32. Steven Lukes, Power. Atlantic Highlands, N.J.: Humanities Press 1974, pp. 18-23.

33. John G. Gurley, Challengers to Capitalism, New York: W.W. Norton 1979, chapter 3.

34. Immanuel Wallerstein, The Capitalist World-economy, Cambridge, Eng.: Cambridge University Press 1979. Arthur B. Ferguson, The Articulate Citizen and the English Renaissance, Durham, N.C.: Duke University Press 1965. George and George, op. cit.

35. See also Pateman, op. cit., p. 12.

36. Douglass North, Structure and Change in Economic History, New York: W.W. Norton 1981.

37. Johan Galtung, "Violence, Peace, and Peace Research," Journal of Conflict Resolution, 1969 volume, pp. 161-191.

38. Ferguson, op. cit., pp. 70-80.

39. See Chapter 2, The Terms of Political Discourse, Lexington, Missouri: Heath 1974.

40. J.S. Sorzano, "David Easton and the Invisible Hand," American Political Science Review, March 1975, pp. 91-106.

41. R.G. Collingwood, "The A Priori Impossibility of a Science of Man," in The Nature and Scope of Social Science, edited by Leonard Krimerman, New York: Appleton-Century-Crofts 1969.

42. Aarsleff, op. cit., p. 58.

43. Richard Friedman, "On the Concept of Authority in Political Philosophy," in Flathman's Concepts in Social and Political Philosophy, New York: Macmillan 1973.

44. Collingwood, op. cit.

45. Lukes, op. cit.

46. Garrett Hardin, "The Tragedy of the Commons," Science 162, Dec. 13, 1968.

47. Fred M. Frohock, "The Structure of 'Politics,'" American Political Science Review, Sept. 1978, pp. 859-870.

48. Wolf v. Colorado, 338 U.S. 25 (1949) at 27.

49. Emerson, op. cit., p. 627.